

REMARKS

The undersigned attorney thanks Examiner Tomaszewski for his careful review of this patent application. Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 1-8, 17-19, 24-30, and 32-35 are currently pending in this Application.

Priority Date of the Pending Application

Prior to the filing of this *Response to Office Action*, the undersigned attorney and Examiner Tomaszewski exchanged voice messages regarding the priority date of the Application in light of a *Preliminary Amendment* filed on November 21, 2001. The Applicant thanks Examiner Tomaszewski for his time in reviewing the file with regard to this issue.

On November 21, 2001, the Applicant submitted a *Preliminary Amendment* amending the specification to add the following language: "This application claims the benefit of the filing date of United States Provisional Patent Application 60/244,408 filed on October 30, 2000." On June 6, 2002, the Patent Office sent a Notice of Non-Compliance Amendment, to which the Applicant submitted a timely response on July 8, 2002.

Accordingly, the Applicants have made a proper claim of priority and are entitled to a priority date of October 30, 2000.

The 35 U.S.C. § 103 Rejections based on Martinez in view of Simpson and Ando

Claims 1-3, 5-8, 24-28, and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez ("Hospital Passes Review By National Accreditation Agency", July 19, 2000; hereinafter "Martinez") in view of Simpson ("Size Up The Big Three", March 2001; hereinafter "Simpson"), and in view of U.S. Patent Publication 2002/0013717 to Ando (hereinafter Ando). Additionally, claims 4, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez, Simpson, Ando, and further in view of Official Notice.

Due to the October 30, 2000 priority date of the Application, Simpson and Ando are not considered prior art under 35 U.S.C. § 102. Specifically, Simpson was published in March 2001

and Ando was filed with the U.S. Patent Office on December 28, 2000, both of which are later than the October 30, 2000 priority date.

Accordingly, since all of the pending rejections rely on Simpson and Ando, the Applicant respectfully submits that the claims are patentable over the cited references and are in condition for allowance.

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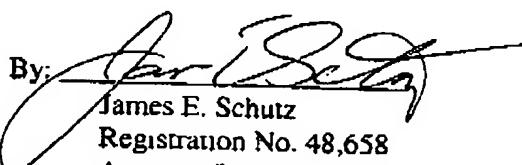
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CONCLUSION

The foregoing is submitted as a full and complete response to the *Office Action* mailed November 13, 2006. It is respectfully submitted that claims 1-8, 17-19, 24-30, and 32-35 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

Respectfully submitted,

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